

**NOTICE OF PUBLIC MEETING
OF THE
OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER
THE INFLUENCE ABATEMENT
AND
AGENDA**

Pursuant to A.R.S § 38-431.02, notice is hereby given to the members of the **Oversight Council on Driving or Operating Under the Influence Abatement** and to the general public that the **Oversight Council on Driving or Operating Under the Influence Abatement** will hold a meeting open to the public on **Thursday, April 26, 2007** beginning at **1:30 p.m.** at **1110 W. Washington, Conference Room 250, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Oversight Council on Driving or Operating Under the Influence Abatement may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Agenda for the meeting is as follows:

- I. Call to Order and Roll Call** **Chairperson Mark Dannels**
- II. Minutes of the December 5, 2006 Meeting**
 - Approval of the minutes. **P-F-T**
- III. 2008 DUI Abatement Grant Announcement** **Debby Finkel**
 - Review, discussion, consideration and action on the 2008 DUI Abatement grant announcement for Enforcement and Innovative grants. **P-F-T**
- IV. Maricopa County Attorney's Office Website** **Debby Finkel**
 - Presentation on Maricopa County Attorney's Office redesigned website. **Info**

V. Call to the Public

Those wishing to address the Council need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

VI. Date, Time, and Location of Next Meeting

- The next Oversight Council on Driving or Operating Under the Influence Abatement meeting will be on **Thursday, June 21, 2007** at **1:30 p.m.** held at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

VII. Adjournment

A copy of the agenda background material provided to Oversight Council members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.

**OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER
THE INFLUENCE ABATEMENT**

Request for Council Action

Action Requested:	Type of Action Requested:	Subject:
April 11, 2007	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the December 11, 2006 Meeting

TO: Oversight Council

FROM: Chairperson Mark Dannels

RECOMMENDATION:

The Council approve the minutes of the December 11, 2006 meeting.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Oversight Council on Driving or Operating Under the Influence Abatement
Minutes
December 11, 2006**

A public meeting of the Oversight Council on Driving or Operating under the Influence Abatement was convened on December 11, 2006 at 1110 W. Washington, Room 145, Phoenix, Arizona 85007.

Members Present:

Mark Dannels, Chairperson, Captain, Cochise County Sheriff's Office
Ken Buckland, Senate Appointee
Richard Fimbres, Director, Governor's Office of Highway Safety
Daisy Flores, Gila County Attorney by conference call
Alberto Gutier, Speaker of the House Appointee
Dwayne Hartup, Chief, Holbrook Police Department
Stacey Stanton, Assistant Director, Motor Vehicle Division, Lorraine Brown representing
Roger Vanderpool, Director, Department of Public Safety, Jack Lane representing
Kerry Wangberg, City of Phoenix Prosecutor

Members Absent:

Gary Johnson, Governor Appointee

Staff Participating:

Pat Nelson, Arizona Criminal Justice Commission
Debby Finkel, Arizona Criminal Justice Commission
Wendy Boyle, Arizona Criminal Justice Commission

Legal Counsel Present:

Brian Schneider, Assistant Attorney General

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Mark Dannels at 1:33 p.m. Roll was taken and a quorum was declared present. Chairperson Dannels introduced Ken Buckland, Senate Appointee as the new member of the Council.

II. Minutes of the October 5, 2006 Meeting

Chairperson Dannels called for a motion on the minutes. Kerry Wangberg entered a motion to approve the minutes of the meeting held on October 5, 2006. The motion seconded by Alberto Gutier passed unanimously.

III. Navajo Nation Request to Modify Grant Agreement

Douglas Joe, Director, Criminal Investigations spoke on the Navajo Nation's behalf. The Navajo Nation requested to modify the grant language in the agreement and guarantee sovereign immunity.

Alberto Gutier entered a motion to go into Executive Session for legal advice. The motion seconded by Kerry Wangberg passed unanimously. The Council went into Executive Session at approximately 1:41 p.m. to obtain advice on this agenda item from Assistant Attorney General Brian Schneider. Council reconvened into open session at 1:49 pm.

Kerry Wangberg entered a motion to deny the request as written; however, if the Navajo Nation opts to waive sovereign immunity in the future, Council would consider future applications under those conditions. The motion seconded by Alberto Gutier passed unanimously.

IV. Students Against Destructive Decisions (SADD)

Jessica Smith, Students Against Destructive Decisions (SADD) spoke on the agency's behalf. SADD originally applied for \$63,510 to purchase token gifts to give to the Zero, Nada None under 21 Campaign. The Council approved a grant amount of \$20,000 for this project; however, a grant agreement for the requested

amount of \$63,510 was generated and signed. SADD had already expended \$27,500 for the project of which ACJC has reimbursed \$20,000. SADD had requested the Council consider approval of the full grant request to include the additional \$7,500 that has already been expended and unreimbursed. SADD also requested the Council consider a change in project scope from purchasing token gifts to utilizing the remaining portion of the original award (\$36,010) to fund a pilot project that provides intense student and faculty training. In summary, SADD requested the Council consider awarding funds to cover the \$7,500 in expenditures currently incurred, approve the scope change and award additional funds up to \$36,010.

After discussion, the decision generated two motions. Alberto Gutier entered a motion to approve the \$7,500 currently incurred. The motion seconded by Dwayne Hartup passed unanimously.

Alberto Gutier entered a second motion to approve the full funding in the amount of \$36,010 and the change in project scope. The motion seconded by Ken Buckland passed with two dissenting votes.

V. Enforcement Grant Application Approval

Council examined the grant applications submitted by MADD Tucson and Tempe Police Department and agreed the applications represented innovative approaches rather than enforcement. Mesa Police Department, Sierra Vista Police Department and Thatcher Police Department grant applications were discussed and determined that the requests did not meet the criteria outlined in the grant announcement. The requests were not for overtime purposes.

Council reviewed the following enforcement grant applications for overtime only covering the period of January 1, 2007 to June 30, 2007:

- 1.) Council evaluated the grant application from Arizona Department of Public Safety. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$90,000. The motion seconded by Dwayne Hartup passed unanimously.
- 2.) Council evaluated the grant application from Avondale Police Department. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$30,001. The motion seconded by Ken Buckland passed unanimously.
- 3.) Council evaluated the grant application from Chino Valley Police Department. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$7,750. The motion seconded by Ken Buckland passed unanimously.
- 4.) Council evaluated the grant application from Cochise County Sheriff's Office. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$29,982. The motion seconded by Kerry Wangberg passed unanimously.
- 5.) Council evaluated the grant application from Coconino County Sheriff's Office. After discussion, Kerry Wangberg motioned that Council approve the grant application in the amount of \$5,001. The motion seconded by Alberto Gutier passed unanimously.
- 6.) Council evaluated the grant application from Globe Police Department. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$9,600. The motion seconded by Kerry Wangberg passed unanimously.
- 7.) Council evaluated the grant application from Nogales Police Department. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$30,000. The motion seconded by Dwayne Hartup passed unanimously.
- 8.) Council evaluated the grant application from Peoria Police Department. After discussion, Alberto Gutier motioned that Council approve the grant application from Peoria Police Department in the amount of \$30,000. The motion died for lack of a second. Kerry Wangberg motioned that Council approve the grant application in the amount of \$11,232. The motion seconded by Ken Buckland passed unanimously. Council reevaluated the grant amount. Alberto Gutier motioned that Council consider the grant application in the amount of \$33,696. The motion seconded by Dwayne Hartup passed unanimously. Council evaluated the grant application from Pima County Attorney's Office. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$10,080. The motion seconded by Ken Buckland passed unanimously. Council evaluated the grant application from Pima County Sheriff's Office. After discussion, Dwayne Hartup motioned that Council approve the grant application in the amount of \$30,120. The motion seconded by Alberto Gutier passed unanimously.

- 9.) Council evaluated the second grant application from Tempe Police Department. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$40,437. The motion seconded by Ken Buckland passed unanimously.
- 10.) Council evaluated the grant application from the University Of Arizona Police Department. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$27,834. The motion seconded by Dwayne Hartup passed unanimously.
- 11.) Council evaluated the grant application from Yavapai County Sheriff's Office. After discussion, Alberto Gutier motioned that Council approve the grant application in the amount of \$24,144. The motion seconded by Kerry Wangberg passed unanimously.
- 12.) Council evaluated the grant application from Yavapai-Apache Nation Police Department. After discussion, Ken Buckland motioned that Council deny the grant application submitted by Yavapai-Apache Nation Police Department. The motion seconded by Dwayne Hartup passed unanimously.

Staff directed Council to the grant announcement, which had language indicating overtime was for officers only. After discussion, Council agreed in consensus that officer overtime is intended for officers and support staff.

Kerry Wangberg motioned to approve Council's intent that the grant announcement language consider overtime for officers including support staff. The motion seconded by Alberto Gutier passed unanimously.

VI. FY 2006 DUI Abatement Fund Annual Report

Council reviewed the FY 2006 DUI Abatement Annual Report. This report is required to be submitted to the Governor, the Speaker of the House of Representatives and the President of the Senate in December each year. Council thanked ACJC staff for their effort and hard work in preparation of the report. Chief Hartup entered a motion to approve and accept the annual report submitted by ACJC. The motion seconded by Alberto Gutier passed unanimously.

VII. Intergovernmental Agreement (IGA) with Arizona Criminal Justice Commission

Council reviewed the Intergovernmental Agreement (IGA) for administrative support and grants management between Council and ACJC. Alberto Gutier entered a motion to accept the IGA as drafted in the amount of \$60,000 for one year beginning January 1, 2007 until December 31, 2007. The motion seconded by Kerry Wangberg passed unanimously.

VIII. Call to the Public

Chairperson Dannels made a call to the public. No members of the audience addressed the Council. Chairperson Dannels acknowledged the contributions of former Council member Kathy Glenn and a plaque will be sent to her in recognition of her service on the Council.

IX. Date, Time, and Location of Next Meeting

The next Oversight Council on Driving or Operating Under the Influence Abatement meeting will be held on Thursday, April 26, 2007 at 1:30 p.m. held 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

X. Adjournment

The meeting was adjourned at 3:15 pm.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording available upon request.

TABLE 3

APPLICANT AGENCY	Personnel & Fringe	Overtime	Prof & Outside Svs	Travel	Operating Expenses	Equipment	TOTAL AWARDED	BALANCE OF FUNDS
Cycle 5								396,136
AZ. Dept. of Public Safety	0	90,000	0	0	0	0	\$90,000	306,136
Avondale P.D.	0	30,001	0	0	0	0	\$30,001	276,135
Chino Valley P.D.	0	7,750	0	0	0	0	\$7,750	268,385
Cochise CSO	0	29,982	0	0	0	0	\$29,982	238,403
Coconino CSO	0	5,001	0	0	0	0	\$5,001	233,402
Globe PD	0	9,600	0	0	0	0	\$9,600	223,802
MADD Tucson (Innovative)	0	0	0	0	0	0	\$0	223,802
Mesa P.D.	0	0	0	0	0	0	\$0	223,802
Nogales P.D.	0	30,000	0	0	0	0	\$30,000	193,802
Peoria PD	0	33,696	0	0	0	0	\$33,696	160,106
Pima CAO	0	10,080	0	0	0	0	\$10,080	150,026
Pima CSO	0	30,120	0	0	0	0	\$30,120	119,906
Sierra Vista P.D.	0	0	0	0	0	0	\$0	119,906
Tempe P.D.	0	40,437	0	0	0	0	\$40,437	79,469
Tempe P.D. (Innovative)	0	0	0	0	0	0	\$0	79,469
Thatcher P.D.	0	0	0	0	0	0	\$0	79,469
UA P.D.	0	27,834	0	0	0	0	\$27,834	51,635
Yavapai CSO	0	24,144	0	0	0	0	\$24,144	27,491
Yavapai-Apache Nation	0	0	0	0	0	0	\$0	27,491
Total Awarded:	0	368,645	0	0	0	0	\$368,645	



**OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER
THE INFLUENCE ABATEMENT**

Request for Council Action

Action Requested:	Type of Action Requested:	Subject:
April 26, 2007	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2008 DUI Abatement Grant Announcement

TO: Oversight Council

FROM: Debby Finkel, Grants Coordinator

RECOMMENDATION:

The Council approve the 2008 DUI Oversight Council announcement for Enforcement and Innovative grants.

DISCUSSION:

The grant announcement divides the fund into two separate types of grants per statute; 70% for enforcement and 25% for innovative. If approved, the grant announcement will be posted on the ACJC website April 30, 2007 with an application deadline of May 25, 2007.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Oversight Council on Driving or Operating Under the Influence Abatement

GRANT PROGRAM ANNOUNCEMENT

INTRODUCTION

The Oversight Council on Driving or Operating Under the Influence Abatement is announcing a grant opportunity. The grant program will provide grant funds for two types of programs as authorized by ARS §28-1303. The program is to provide grant funds from the driving under the influence abatement fund to political subdivisions and tribal governments that apply for monies for enforcement purposes, prosecutorial and judicial activities, and alcohol abuse treatment services related to preventing and abating driving or operating under the influence occurrences in a motor vehicle or a motorized watercraft as defined in ARS §5-301. In addition, the program provides for grants from the driving under the influence abatement fund established by ARS §28-1304 for innovative programs that use emerging technologies to educate, prevent, or deter occurrences of driving or operating under the influence in a motor vehicle or a motorized watercraft. The Council has authorized a total of \$1,399,902 to be available for this grant cycle.

The goal of the grant program is to fund Arizona programs and services to reduce occurrences of driving under the influence.

PROGRAM STRATEGY

To achieve the goal of this program, grants will be made to political subdivisions and tribal governments that apply for funds for enforcement purposes, prosecutorial and judicial activities, and alcohol abuse treatment services related to preventing and abating driving or operating under the influence occurrences in a motor vehicle or a motorized watercraft as defined in ARS §5-301. The Council will give preference to proposals involving multi-agency task forces for the enforcement of DUI statutes. The program also provides grants from the driving under the influence abatement fund established by ARS §28-1304 for innovative programs that use emerging technologies to educate, prevent, or deter occurrences of driving or operating under the influence in a motor vehicle or a motorized watercraft.

ALLOWABLE COSTS

Grants provided under this program will be one time awards.

Enforcement Program: Seventy percent (70%) of the monies, or \$1,031,507, in the abatement fund will be awarded to political subdivisions and tribal governments for enforcement purposes, prosecutorial and judicial activities and alcohol abuse treatment services related to preventing and abating driving or operating under the influence occurrences in a motor vehicle pursuant to ARS §§28-1381 and 1382 or a motorized watercraft as defined in ARS §5-301. Awards will be granted for a period of six months, starting July 1, 2007 through December 31, 2007.

Innovative Program: Twenty-five percent (25%) of the monies, \$368,395, in the abatement fund will be awarded to programs that use emerging technologies to educate, prevent or deter

occurrences of driving or operating under the influence in a motor vehicle ARS §§28-1381 and 1382 or a motorized watercraft as defined in ARS §5-301. Awards will be granted for a period of one year, starting July 1, 2007 through June 30, 2008.

RESTRICTIONS ON USE OF FUNDS

Grant funds cannot be used for indirect costs incurred to administer the grant.

Any program income (funds derived from the expenditure of grant funds) or interest earned on grant funds may be used by the grantee to further the goals and objectives of the grant and shall be reported to the Council.

Each applicant shall acknowledge they will supplement, not supplant, existing funds to use the grant funds for the proposed project.

APPLICATION PROCESS

Through an inter-governmental agreement (IGA) the Arizona Criminal Justice Commission (ACJC) provides administrative support to the Oversight Council On Driving Or Operating Under the Influence Abatement (the Council). The notice and application will be posted on the ACJC web site, www.azcjc.gov, on **April 30, 2007 at 8:00 a.m.**

The Council will post notification of grant announcements annually in April and October. Innovative program awards will have one grant cycle per year and be issued for twelve-month time periods. Enforcement program awards will be granted for six-month time periods, allowing for two cycles per year.

HOW TO APPLY

You will create, submit, and monitor your application through a private, secure web site located at www.azcjc.gov/Grants/GMSIndex.asp. Upon verification of your eligibility to apply for funds, log-in information will be e-mailed to you. The application must be completed on this web site and submitted electronically. If you are having difficulties with the system, please call our office at 602-364-1146 or e-mail us at dui@azcjc.gov.

Applications must be received through the Commission web site no later than 3:00 p.m. on Friday, May 25, 2007 to be considered.

If an agency applies for more than one grant-funded project, the agency is expected to prioritize the grant applications to assist Council in making decisions as to which is more important for the agency.

REVIEW OF APPLICATIONS

The Council will evaluate applications based on the following criteria:

1. Timely submission of application
2. Completeness and accuracy of the application. All requested information and attachments are provided
3. The program adequately addresses the problem identified in the problem statement
4. Goals and objectives are reasonable, achievable, and consistent with the mission of the Council
5. Likelihood of advancing the interest of the citizens of Arizona to prevent DUI
6. Project viability

7. The applicant's expertise and background
8. Demonstration of reporting requirements
9. Non-supplanting requirement
10. Reasonableness of the budget and allowable costs

AWARD AND FUNDING PROCESS

While the Oversight Council On Driving Or Operating Under the Influence Abatement would like to fund each worthy program, only a limited amount of money is available.

All grant awards shall be made by the concurrence of a majority of the voting members of the Council in attendance at a public meeting. The Council may approve an application for the amount of funding requested or at a lesser amount if the sub-grantee accepts the lesser amount, or reject the application. After funding decisions are made, a notice shall be sent to each applicant agency.

After funding decisions are made by the Council, grant agreements will be forwarded to successful agencies that are to receive funding. Grant agreements require the signature of the agency's governing body (in the case of cities, counties or tribal governments) or executive director. Once the agencies return the signed agreements to the Commission, the Council Chairman then signs the agreements. Fully executed agreements will be returned to the agencies to encumber and expend funds.

REPORTING REQUIREMENTS

Applicants are required to submit quarterly financial and progress reports to the Oversight Council on Driving or Operating Under the Influence Abatement at the Arizona Criminal Justice Commission Office, 1110 W. Washington Street, Suite 230, Phoenix, Arizona 85007.

The quarterly reports will be provided to the Council for their review to evaluate the program's effectiveness. This procedure will allow the Council to oversee the progress of the programs.

Each grantee shall provide a final progress and financial report upon completion or cancellation of a grant to the Commission for compilation into a report for the Council. The progress report shall state how well the goals and objectives of the grant were met and how the grant benefited the targeted population of citizens. The financial report shall provide final details on expenditure of grant funds.

ALLOCATION PROCESS

When funds are expended the agencies shall complete a quarterly report and will be reimbursed for the funds that have been expended.

QUESTIONS

Questions concerning this program, or the application process, should be directed to Pat Nelson, Arizona Criminal Justice Commission Program Manager, at 602-364-1152 or Debby Finkel, Grant Coordinator, at 602-364-1191 under the direction of the Oversight Council on Driving or Operating Under the Influence Abatement or you may e-mail us at dui@azcjc.gov.

IV

OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE ABATEMENT

Request for Council Action

Action Requested:	Type of Action Requested:	Subject:
April 26, 2007	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Maricopa County Attorney's Office Redesigned Website

TO: Oversight Council

FROM: Debby Finkel, Grants Coordinator

RECOMMENDATION:

Information Only.

DISCUSSION:

The Maricopa County Attorney's Office has updated their website and will be presenting the changes.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A